

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 23-23299-CIV-DIMITROULEAS

WINDY LUCIUS,

Plaintiff,

v.

AJS CREATIONS, LLC d/b/a
Grown Brilliance,

Defendant.

ORDER TO SHOW CAUSE FOR LACK OF PROSECUTION

THIS CAUSE is before the Court *sua sponte*.

A court has the inherent power to *sua sponte* dismiss a case for lack of prosecution. *See Link v. Wabash Railroad Co.*, 370 U.S. 626, 630 (1962). Pursuant to Rule 41(b), a district court may dismiss a complaint for failure to prosecute or failure to comply with a court order or the federal rules. Fed. R. Civ. P. 41(b).

Plaintiff filed a Complaint on August 29, 2023. *See* [DE 1]. Defendant was served on September 1, 2023. *See* [DE 6]. As of the date of this Order, Defendant has not responded to the Complaint.

If a defendant fails to respond to a complaint, the plaintiff may move for a Clerk's Entry of Default. *See* Fed. R. Civ. P. 55(a). In this case, although Defendant failed to timely respond to the Complaint, Plaintiff has not yet moved for Clerk's Entry of Default.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Plaintiff, on or before **October 10, 2023**, shall either move for Clerk's Entry of

Default against Defendant or show cause why this case should not be dismissed for a lack of prosecution; and

2. A failure to comply with this Order may result in immediate dismissal of this case without prejudice.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 2nd day of October, 2023.



WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:

Counsel of Record